

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:98CV394

**CALVIN R. LUCKEY, and wife PEGGY)
G. LUCKEY; THEODORE BALLARD,)
JR.; FLOYD J. BOWMAN; WILLIE J.)
BURT, JR.; CLEMENT KEENE, and)
wif BARBARA JO DEATHERAGE)
KEENE; JUDY HORNE MARTIN,)
Individually and as Executrix of the)
Estate of Ray E. Martin, Deceased;)
GENE A. SHIRES, and wife HELEN)
SHIRES; JACKSON J. SMITH, and)
wife CAROLYN S. SMITH; JOHN)
WESLEY SMITH, and wife BETTY M.)
SMITH; ROGER FRANKLIN THOMAS,)
and wife ELLA SHINN THOMAS;)
DONNIE BAILEY; HAZEL S. BOONE,)
Individually and as Executrix of the)
Estate of Billy H. Boone, Deceased;)
RAYMOND L. MOORE; HAZEL B.)
MULLIS, Individually and as)
Executrix of the Estate of Jerry R.)
Mullis, Deceased; JIMMY W. NEAL,)
SR., and wife DOREEN K. NEAL;)
JOHN A. NOBLE, III, and wife)
WENDY ROBIN HASTINGS NOBLE;)
ROGER D. SMITH, and wife MARGIE)
P. SMITH; WILLIAM E. SMITH;)
WALTER D. THOMPSON; RICHARD)
ALLEN JONES, and wife JUDY ANN)
FINK JONES; KENNETH G. SMITH,)
and wife MARGARET SMITH; DAVID)
R. TURNER; DAVID R. WHITESIDE,)
SR., and wife LINDA L. WHITESIDE;)**

DOROTHY YOUNG, as Administrator)
 of the Estate of Victor E. Yount,)
 Deceased; and SYLVIA L.)
 JOHNSON, Executrix of the Estate of)
 Clarence Luckey, Sr., Deceased;)

Vs.)

ORDER

A. W. CHESTERTON, INC.;)
 CLEAVER BROOKS; CROWN CORK)
 & SEAL COMPANY, INC.; NORTH)
 BROTHERS, INC.; OWENS-ILLINOIS,)
 INC.; RAPID AMERICAN)
 CORPORATION; and D. B. RILEY)
 CORPORATION, f/k/a Riley Stoker)
 Corporation,)

Defendants.)

THIS MATTER is before the Court on the motion of all the captioned Plaintiffs and Defendant CertainTeed Corporation, to dismiss this action with prejudice as to that Defendant.

For good cause appearing,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the joint motion to dismiss is **ALLOWED**, and the claims of each of the captioned Plaintiffs against the Defendant CertainTeed Corporation, are hereby **DISMISSED WITH PREJUDICE**.

Signed: March 27, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

